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11-21-00

PTO/SB/05 (4/98)

Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 460-001 Cont. IV

First Inventor or Application Identifier Hon et al.

Title COMPOSITIONS OF OAK BARK EXTRACT RELATED SYNTHETIC COMPOSITIONS AND METHOD OF USING SAME

Express Mail Label No. EL668226817US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  \* Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Specification [Total Pages ]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3.  Drawing(s) (35 U S C. 113) [Total Sheets ]
4. Oath or Declaration [Total Pages ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 16 completed)
    - i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

**\*NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).**

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

5.  Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.  Computer Readable Copy
  - b.  Paper Copy (identical to computer copy)
  - c.  Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

7.  Assignment Papers (cover sheet & document(s))
8.  37 C.F.R. §3.73(b) Statement  Power of (when there is an assignee)  Attorney
9.  English Translation Document (if applicable)
10.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
11.  Preliminary Amendment
12.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- \* Small Entity Statement(s)  Statement filed in prior application, (PTO/SB/09-12)  
Status still proper and desired
13.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
14.  Other: .....
15.  Other: .....

16. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No. 08 / 947,055  
Prior application information: Examiner J. Kerr Group / Art Unit: 1633

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	001009		or <input type="checkbox"/> Correspondence address below (Insert Customer No. or Attach bar code label here)
Name			
Address			
City	State	Zip Code	
Country	Telephone	859/ 252-0889	Fax 859/ 252-0779

Name (Print/Type)	J. W. Scanor, D.V.M.	Registration No. (Attorney/Agent)	40,804
Signature	J.W. Scanor DVM		Date November 20, 2000

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# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$)  
**355***Complete if Known*

Application Number	
Filing Date	
First Named Inventor	<b>David N.S. Hon</b>
Examiner Name	J. Kerr
Group / Art Unit	<b>1633</b>
Attorney Docket No.	<b>460-001 Cont. IV</b>

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)	
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:		3. ADDITIONAL FEES	
Deposit Account Number <b>11-0978</b>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)
Deposit Account Name		Fee Code (\$)	Fee Code (\$)
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		Fee Description	
3. <input type="checkbox"/> Charge any additional fee required under 37 CFR Sections 1.16 and 1.17 or credit any overpayment to the above-listed deposit account.		Fee Paid	
FEE CALCULATION			
1. BASIC FILING FEE			
Large Entity Small Entity			
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	<b>355</b>
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1) (\$)		<b>355</b>	
2. EXTRA CLAIM FEES			
Total Claims <b>7</b>	-20** = <b>0</b>	Extra Claims X	Fee from below
Independent Claims <b>3</b>	- 3** = <b>0</b>	X	=
Multiple Dependent			
Fee Paid			
*or number previously paid, if greater. For Reissues, see below			
Large Entity Small Entity			
Fee Code (\$)	Fee Code (\$)	Fee Description	
103 18	203 9	Claims in excess of 20	
102 80	202 40	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim, if not paid	
109 80	209 40	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)		<b>0</b>	
* Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$) <b>0</b>			

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	J. William Seanor, D.V.M.	Registration No. (Attorney/Agent)	40,804	Telephone	859/ 252-0889
Signature	<i>J.W. Seanor D.V.M.</i>			Date	<i>November 26, 2001</i>

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S.N.: NOT YET ASSIGNED

Docket No. 460-001 Continuation IV

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application :

DAVID N. S. HON ET AL. :

Serial No. NOT YET ASSIGNED : Group Art Unit: 1633

Filed: November 20, 2000 :

For: COMPOSITIONS OF OAK BARK  
EXTRACT RELATED SYNTHETIC  
COMPOSITIONS AND METHOD OF  
USING SAME :

**PRELIMINARY AMENDMENT**

Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Dear Sir:

The above-styled application is a continuation of prior application Serial Number: 08/947,055, filed on October 8, 1997 which is set to issue on November 21, 2000 as U.S. Patent Number 6,149,947. This application claims the benefit of priority, through co-pendency, of prior application Serial Number: 07/973,071, filed November 6, 1992, the status of which is now abandoned.

In the Claims

Please cancel claims 32-36 without prejudice.

Please add the following new claims 37-43 as follows:

- 37. A composition comprising from 40% to 80% by weight of solids of an aqueous oak bark extract.
38. The composition of claim 37, wherein the composition is useful for enhancing wound healing at a wound site via modulation of matrix metalloproteinase activity at the wound site.
39. A composition for enhancing wound healing at a wound site via modulation of matrix metalloproteinase activity at the wound site, comprising:  
a pharmaceutically acceptable carrier; and  
an active ingredient of inorganic solids comprising 10-80 parts by weight of potassium ions, 0.00001-20 parts by weight of zinc ions, 0.01-10 parts by weight of calcium ions and 1-40 parts by weight of rubidium ions.
40. The composition according to claim 39, wherein the rubidium ions comprise 1-30 parts by weight of the inorganic solids.

41. The composition according to claim 39, wherein said carrier is water.

42. The composition according to claim 39, wherein said carrier is cream based.

43. A method for enhancing wound healing at a wound site via modulation of matrix metalloproteinase activity at the wound site, comprising applying to the wound site an effective amount of a therapeutic composition comprising:

a pharmaceutically acceptable carrier; and

an active ingredient of inorganic solids comprising 10-80 parts by weight of potassium ions, 0.00001-20 parts by weight of zinc ions, 0.01-10 parts by weight of calcium ions and 1-40 parts by weight of rubidium ions.--

#### **REMARKS**

New claim 37 above is identical to non-elected claim 1 of the parent application

Serial Number: 07/973,071, as set forth in the "Response to Restriction Requirement"

filed on November 18, 1993.

New claims 38-43 are set forth herein to distinctly claim specific embodiments of the present invention directed compositions and methods for enhancing wound healing at a wound site via modulation of matrix metalloproteinase activity at the wound site. The Examiner is invited to contact the undersigned attorney directly if such contact will

enhance the efficient prosecution of the application to issue.

Respectfully submitted,

**KING AND SCHICKLI**



J.W. Seanor, D.V.M.  
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CERTIFICATE OF MAILING

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